Appl. No. 09/981,901
Amdt. dated 01/26/2005
Reply to Office Action of 10/27/2004

REMARKS

Claims 1 - 20 are pending in the present Application. In the above-identified Office Action, Claims 1 - 20 were also rejected under 35 U.S.C. §102(b) as being anticipated by Gauvin et al.

In reviewing the Specification, Applicants have noticed a few typographical/grammatical errors that have been corrected. In addition, Applicants have amended independent Claims 1, 6, 11 and 17 to better claim the invention. For the reasons stated more fully below, Applicants submit that the present claims in the Application are allowable over the applied reference. Hence, reconsideration, allowance and passage to issue are respectfully requested.

As stated in the SPECIFICATION, when a fix or update to a software product is installed, the original installed software product is permanently changed. There are instances, however, when a user may not want the original installed software product to be permanently changed. For example, when a fix or update encompasses hundreds of Megabytes of software code that a user may rarely, if at all, have any use for, the user may not want that much storage space to be permanently used for the potentially few occasional times the fix or update may be used. In such a case, the user may not want the original installed software product to be permanently changed. The present invention allows for a software product that contains outdated or errored data to be updated when being used without permanently updating the software product.

AUS920010864US1

Page 9 of 12

Appl. No. 09/981,901
Amdt. dated 01/26/2005
Reply to Office Action of 10/27/2004

    According to the teachings of the invention, when a software product that includes data on a fixed media is to be used, a check is made to determine whether the fixed media contains outdated or errored data. If so, an updated or non-errored network-based data is downloaded to replace the outdated or errored data. However, only the outdated or errored data that is to be used is replaced. The outdated or errored data on the fixed media is not replaced.

    The invention is set forth in claims of varying scopes of which Claim 1 is illustrative.

> 1. A method of utilizing a software product, said software product including data on a fixed media, said method comprising the steps of:
> determining whether the data on the fixed media contains outdated or errored data;
> *downloading an updated or non-errored network-based data to replace the outdated or errored data, if it is determined that the data on the fixed media contains outdated or errored data;*
> *utilizing said data on said fixed media; and*
> *replacing the outdated or errored data with the downloaded network-based data such that the outdated or errored data on the fixed media is not replaced but the outdated or errored data being used is replaced.* (Emphasis added.)

    The Examiner rejected the claims under 35 U.S.C. §102(b) as being anticipated by Gauvin et al. Applicants respectfully disagree.

AUS920010864US1

Appl. No. 09/981,901
Amdt. dated 01/26/2005
Reply to Office Action of 10/27/2004

Gauvin et al. purport to teach a method of updating a copy of a remote document stored in a local computer system. In accordance with the teachings of Gauvin et al., a first remote computer system that is used as an update device periodically checks to see if a document that is kept on a second remote computer system has been updated. If the document has been updated, the first remote computer system downloads the updated document from the second remote computer system and replaces the outdated document with the updated document. The local computer system, which uses the document, upon connecting to the network will download the document from the first remote computer system if the local version of the document is different from the remote version of the document. But in either case (i.e., in the case where the document is stored on the local computer system and in the case where the document is stored on an update computer system), the entire document is replaced with the updated version if the stored document is found to be outdated.

Thus, Gauvin et al. do not teach, show or suggest a method of using data on a fixed media that contains outdated or errored data by *replacing the outdated or errored data with downloaded network-based data such that the outdated or errored data on the fixed media is not replaced but the outdated or errored data being used is replaced.*

Therefore, Applicants submit that Claim 1 and its dependent claims should be allowable. Independent Claims 6, 11 and 16, and their dependent claims, which all incorporate the above-emboldened-italicized limitations

AUS920010864US1

Page 11 of 12

Appl. No. 09/981,901
Amdt. dated 01/26/2005
Reply to Office Action of 10/27/2004

shown in the reproduced Claim 1 above, should be allowable as well. Consequently, reconsideration, allowance and passage to issue are once more respectfully requested.

Respectfully submitted,
Drane et al.

By:
Volel Emile
Attorney for Applicants
Registration No. 39,969
(512) 306-7969

AUS920010864US1

Page 12 of 12